



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 * Olympia, Washington 98504-0908 * (360) 753-1111 * Fax (360) 753-1112
Toll Free 1-877-601-2828 * E-mail: pdcc@pdcc.wa.gov * Website: www.pdc.wa.gov

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 06-010
ACTION AGAINST)	
)	Notice of Administrative
Kip Calaway)	Charges
)	
Respondent.)	
)	

IT IS ALLEGED as follows:

I. JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II. ALLEGATIONS

Staff alleges, based on the facts specified in Section III, that Kip Calaway has violated RCW 42.17.240 by failing to timely file the annual Statement of Financial Affairs (PDC form F-1) by April 15, 2005. In accordance with WAC 390-37-160 (copy enclosed) this matter is being considered by the full commission.

III. FACTS SUPPORTING ALLEGATIONS

The Respondent, Kip Calaway, is a School Director in Wahluke School District 073, P. O. Box 907, Mattawa, Washington 99349. His term of office ends in 2007. **(Exhibit 1)** Mr. Calaway held office during 2004 and was required to file a Statement of Financial Affairs (PDC form F-1) by April 15, 2005. On May 10, 2005, Mr. Calaway was sent a letter stating that the F-1 report due by April 15, 2005 had not been received. The letter stated that to avoid the possibility of enforcement, the F-1 needed to be filed by May 23, 2005. **(Exhibit 2)** The F-1 report has not



been filed. **(Exhibit 3)** Mr. Calaway has held office as a school director in Wahluke School District 073 since 2000.


Past History – Since 2000, Mr. Calaway has had three prior violations for failing for timely file a required F-1 report. The prior violations occurred in 2001, 2002 and 2003 as detailed below. All outstanding penalties have been paid. The last F-1 filed by Mr. Calaway was in 2004.

In 2001, Case #02-059, Mr. Calaway stipulated to a violation of RCW 42.17.240 for failing to timely file his F-1 report as a candidate and paid a penalty of \$50 to avoid a brief enforcement hearing. As part of the stipulation, the F-1 was filed.

In 2002, Case #02-385, at a brief enforcement hearing held June 4, 2002, Mr. Calaway was found in violation of RCW 42.17.240 for failing to timely file his annual F-1 report and was assessed a penalty of \$150. The penalty has been paid. The F-1 was not filed.

In 2003, Case #03-271, at a brief enforcement hearing held June 12, 2003, Mr. Calaway was found in violation of RCW 42.17.240 for failing to timely file his annual F-1 report and was assessed a penalty of \$500. Upon review by the full Commission, \$100 of the penalty was suspended. The terms of the suspension were met and the penalty has been paid. The F-1 was filed.

RESPECTFULLY SUBMITTED this 31st day of August, 2005.


Philip E. Stutzman
Director of Compliance

Exhibits & Enclosure

Exhibit 1	Jurisdiction Card
Exhibit 2	May 10, 2005 Warning Letter
Exhibit 3	Affidavit signed by Jennifer Hansen
Enclosure	WAC 390-37-160

Relevant Statutes

RCW 42.17.240 Elected and appointed officials, candidates, and appointees—Reports of financial affairs and gifts, states in part: “(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year...

RCW 42.17.241 details the content required in each report.

WAC 390-24-010 Forms for Statement of Financial Affairs, states in part: “The official form for statements of financial affairs as required by RCW 42.17.240 is designated ‘F-1’, revised 9/02...”

WAC 390-37-160 Statement of financial affairs (F-1) penalty schedule, states in part that on the fourth occasion (established violation) the matter shall be considered by the full commission.

updated 2/1/05 cb

F

SEH
2/3/05

Jurisdiction	Address	City	County	Zip Code	Jur. Email Address	Preparer	Telephone	Prep. Email Address
WAHLUKE SD 073	P.O. Box 907	MATTAWA	GRANT	99349	leitzi@wsd73.wednet.edu	ELIZABETH LEITZ	5099324565	leitzi@wsd73.wednet.edu

Officials

Last Name	First Name	Initial	Office	Position	Address	City	Zip Code	Email Address	Year Term Ends
CALAWAY	KIP		SCHOOL DIRECTOR	04	23468 SW RD J	MATTAWA	99349		2007
GONZALEZ	JOSE	M	SCHOOL DIRECTOR	02	PO BOX 1971	MATTAWA	99349		2005
HIRAI	KATIE	D	SCHOOL DIRECTOR	03	28512 SW RD O	MATTAWA	99349		2007
KNUTSON	ORLIN	K	SCHOOL DIRECTOR	05	10280 WAHLUKE RD SW	MATTAWA	99349		2005
NESBIT	SCOTT		SCHOOL DIRECTOR	01	117 SUNSHINE CIRCLE SO	MATTAWA	99349		2007



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May 10, 2005

KIP CALAWAY
23468 SW RD J
MATTAWA WA 99349

SUBJECT: Missing Personal Financial Affairs Statement (PDC Form F-1)

Our records indicate that pursuant to RCW 42.17 (the public disclosure law) you were required to file a Personal Financial Affairs Statement by April 15, 2005. A review of your filings confirmed that we have not yet received your F-1 or F-1A report.

I am enclosing an F-1 and F-1 Supplement form for you to complete and file with the PDC. There are also templates of the F-1, F-1A, and F-1 Supplement that are available at www.pdc.wa.gov, by clicking on "Filer Assistance" and then "Form Templates." The F-1 instruction manual is also available online under "Filer Assistance" and then click on "Manuals."

You may also electronically file your report by visiting our website and clicking on "Electronic Filing," and then on "Personal Financial Affairs Filer." You will be required to establish a user account, file a signature authorization card via U.S. mail, and submit your F-1 report online.

The F-1 report must be completed and filed with the PDC by May 23, 2005. Failure to file your report by that date may result in an enforcement matter being scheduled before the Commission that could result in the assessment of civil penalties.*

If you have already filed the F-1 form in 2005, please contact our office immediately. If you need assistance, please contact **Jennifer Hansen** at (360) 586-4560, toll-free at 1-877-601-2828 or by email at jhansen@pdc.wa.gov. Thanks for your prompt attention to this matter.

Sincerely,


Kurt Young
Compliance Officer

Enclosures: F-1 Form and F-1 Supplement Page

* Please note that faxed reports are not accepted.

"The public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private."

RCW 42.17.010 (10)

EXHIBIT 2
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BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON)

) SS.

County of Thurston

AFFIDAVIT OF
JENNIFER I. HANSEN

I, Jennifer I. Hansen, being first duly sworn on oath depose and say:

I am a Political Finance Specialist for the Public Disclosure Commission and have been since March 22, 2004.

On August 31, 2005, I personally searched the electronic image files maintained in the offices of the Public Disclosure Commission for the Personal Financial Affairs Statement (PDC Form F-1) of Kip Calaway and found that, prior to August 31, 2005, no F-1 report, due by April 15, 2005, was filed with the Public Disclosure Commission as required by RCW 42.17.

In the above-described search of the files of the Public Disclosure Commission, I found no requests by Kip Calaway for a reporting modification or suspension, as authorized by RCW 42.17.370(9) and WAC 390-28 and, to the best of my knowledge, no requests for reporting modifications or suspensions have been received by the Public Disclosure Commission as of this date.

Jenny Sherrill

SUBSCRIBED AND SWORN to before me this 31th day of August, 2005.

Philip E. Stutzman
Philip E. Stutzman
 NOTARY PUBLIC in and for the state of
 Washington.
 My commission expires 6-20-07



WAC 390-37-160 Statement of financial affairs (F-1) penalty schedule.

Status	1st Occasion	2nd Occasion	3rd Occasion	4th Occasion
Failed to file report by date of enforcement hearing.	\$150	\$300	\$500	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Did not pay settlement amount.	\$100	\$200	\$400	Full commission consideration
Filed report after hearing notice but before enforcement hearing. Provided written explanation or appeared at the hearing to explain mitigating circumstances. Did not pay settlement amount.	\$0 - \$100	\$100 - \$200	\$200 - \$400	Full commission consideration

Provisos:

(1) The presiding officer has authority to suspend all or a portion of relevant penalty under the conditions to be determined by that officer.

(2) If on the 3rd occasion, a filer has outstanding penalties or judgments, the matter will be taken to the full commission for consideration.

(3) The presiding officer may direct a matter to the full commission if the officer believes five hundred dollars would be an insufficient penalty or the matter warrants consideration by the full commission.

(4) If previously imposed penalties remain unpaid and exceed the amount this penalty schedule would otherwise prescribe for the current violation, the presiding officer may impose a penalty not to exceed the amount of the outstanding penalty, up to five hundred dollars.

(5) "Occasion" means established violation. At the 4th occasion, among other factors, the commission may consider if any prior violations and penalties were stipulated to by the respondent, in determining the amount of the penalty.

(6) Cases will automatically be scheduled before the full Commission for an enforcement action when the person:

- (a) Was found in violation during a previous reporting period,
- (b) The violation remains in effect following any appeals, and
- (c) The person has not filed the disclosure forms that were the subject of the prior violation at the time the current hearing notice is being sent.

[Statutory Authority: RCW 42.17.370, 05-04-038, § 390-37-160, filed 1/27/05, effective 2/27/05; 03-22-065, § 390-37-160, filed 11/4/03, effective 12/5/03.]